IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 9707 of 2007(E)

PETITIONER:

USHADEVI.P., W/O.D.BAHULEYAN, AGED 56 YEARS, RETIRED ADDITIONAL DIRECTOR, SCHEDULED CASTE DEVELOPMENT DEPARTMENT, RESIDING AT 'BUDS' MAYYANAD P.O., KOLLAM.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVT. OF KERALA, SCHEDULED CASTE AND SCHEDULED TRIBE DEVELOPMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR, SCHEDULED CASTE DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.**

BY SPL. GOVERNMENT PLEADER SRI. P. SANTHOSHKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.9707/2007 E

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REPRESENTATION DTD. 23/01/2004 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

EXT.P2: **COPY OF THE REPRESENTATION DTD. 22/01/2004 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P3: **COPY OF THE RECOMMENDATION LETTER NO.A.11-22811/04 DTD. 14/02/05 ISSUED BY THE 2ND RESPONDENT ADDRESSED THE 1ST RESPONDENT.**

EXT.P4: **COPY OF THE REPRESENTATION DTD. 20/05/06 SUBMITTED BEFORE THE 1ST RESPONDENT.**

EXT.P5: **COPY OF THE REPRESENTATION DTD. 10/10/2005 SUBMITTED BEFORE THE 2ND RESPONDENT POINTING OUT THE DETAILS OF 23 OFFICES IN WHICH SHE WERE WORKING IN HER ENTIRE SERVICE.**

EXT.P6: **COPY OF THE REPRESENTATION DTD. 10/10/2006 SUBMITTED AFTER PETITIONER'S RETIREMENT BEFORE THE 1ST RESPONDENT AGAIN REQUESTING TO ISSUE NLC.**

EXT.P7: **COPY OF THE COMMUNICATION NO.21846/C1/2006/SC& STDD DTD.08/12/2006 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**

EXT.P8: **COPY OF THE REPORT DTD. 28/11/2006 OF LIABILITY IN RESPECT OF THE PETITIONER ISSUED FROM THE KOLLAM DISTRICT SCHEDULED CASTE DEVELOPMENT OFFICER TO THE 2ND RESPONDENT.**

EXT.P9: **COPY OF THE REPORT DTD. 28/11/2006 OF LIABILITY IN RESPECT OF THE PETITIONER ISSUED FROM THE KOLLAM DISTRICT SCHEDULED CASTE DEVELOPMENT OFFICER TO THE 2ND RESPONDENT.**

EXT.P9: **C.M.P.NO.5350/07 – COPY OF THE G.O.(RT) NO.042/2003/ SCSTDD DTD. 19/12/2003.**

/TRUE COPY/

P.A.TO JUDGE

KSS

V.GIRI, J.

WP(C) 9707 OF 2007

Dated this the 4th day of December 2007

JUDGMENT

Petitioner retired from service on 31.5.2006. She is aggrieved by the fact that the DCRG due to her has not been disbursed so far. It is admitted that an amount of Rs.3,30,000/- has been sanctioned as DCRG to the petitioner by the Accountant General.

2. In the counter affidavit filed by the respondents, it is contended that certain irregularities were found in the audit report for the period from 1.1.2005 to 31.12.2006 and a departmental vigilance enquiry is going on. At the same time it is mentioned that the petitioner was found not guilty in Vigilance Case No.VE-5/2004/SIU. Registration of vigilance case against her is the only reason cited for not disbursing the DCRG. There is a reference made to certain disciplinary proceedings against the petitioner initiated prior to her retirement. But that does not seem to have any impact on the respondents to disburse DCRG the due to the petitioner.

3. The respondents are bound to finalise the liability, if any, incurred by the petitioner, in relation to her service. Pendency of

disciplinary proceedings by itself is not a reason to delay the issue of NLC/LC. The petitioner has also a contention that she was illegally denied promotion to the post of Deputy Director, Joint Director and Additional Director. This claim is contained in Ext.P4.

4. I have heard the learned Special Government Pleader also.

5. In the circumstances, the writ petition is disposed of directing the second respondent to issue an NLC/LC to the petitioner within a period of two months from the date of receipt of a copy of this judgment. If there is a proposal for fixing any liability on the petitioner, she may be given notice and a hearing before it is done. On the basis of LC/NLC to be issued in the manner aforementioned, DCRG due to the petitioner will be disbursed within one month thereafter. Petitioner's claim for promotion, in the manner aforementioned, shall be looked into by the government on the basis of the recommendations made by the Director, and an appropriate decision be taken by the Government on Ext.P4, within a period of two months from the date of receipt of a copy of this judgment. Petitioner shall produce separate certified copies of judgment before respondents 1 and 2. Petitioner's claim for interest on belated payment of DCRG is left open, to be agitated in appropriate proceedings before the Civil Court.

V.GIRI, JUDGE

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